

of facilities. Because the interest charged in lease-purchase agreements is generally higher than the interest paid on bond debt, the bill could result in greater costs to school districts.

SPONSOR'S

VIEW: Rep. Tejeda had no comment on the veto.

NOTES: The House Study Group analysis of HB 741 appeared in the May 8 Daily Floor Report.

Probate surrogates
(HB 748 by Wright)

DIGEST: HB 748 would have allowed each judge of a statutory probate court (other than those in Galveston County) to appoint a person to act as probate surrogate for the court. The surrogate was to have all the powers and duties of the appointing judge. The appointing judge would have had to reject or confirm all orders, judgements, and decrees of the probate surrogate. The surrogate's salary would have been set by the appointing judge but could not have exceeded the appointing judge's salary. With the commissioners court's approval, the surrogate's salary would have been paid by the county.

GOVERNOR'S
REASONS
FOR VETO:

The Governor said the bill represented an unconstitutional delegation of judicial power and responsibilities because it would have permitted the exercise of judicial functions by an individual neither elected nor appointed in accord with the Constitution.

SPONSOR'S
VIEW:

Rep. Wright said that the Governor was mistaken about the constitutionality of the probate surrogates authorized in the bill. If they would be unconstitutional then the the masters who have performed a similar function for years in family courts are unconstitutional as well. He said the surrogates would have served as staff for the judge but would have rendered no decision not specifically ratified or rejected by order of the judge. Rep. Wright estimated the total cost of an appointed surrogate at \$75,000 to \$80,000 and the cost of a new county court at about \$1 million. Thus the bill would have saved Harris County hundreds of thousands of dollars, he said. He noted that the bill had support from the State Bar of Texas

and the Texas College of Probate Judges, and said no one had raised any question about the constitutionality of the bill at any point in the legislative process. Rep. Wright commented, "The Governor is as weak a lawyer as he is a governor."

NOTES: The House Study Group analysis of HB 748 appeared in the May 7 Daily Floor Report.

Captial-expenditure tax for junior-college branches
(HB 784 by Uher)

DIGEST: A school district or county may now levy a property tax of up to five cents per \$100 valuation for operation and maintenance of a junior-college district's branch campus. This bill would have permitted property-tax revenue also to be used to purchase real estate and to fund capital construction of branch campuses.

GOVERNOR'S
REASONS
FOR VETO:

The Governor said the bill, which authorized the use of property-tax revenue for a new purpose, might have interfered with the options available to the Select Committee on Higher Education. Also, the bill was intended to allow Lamar Consolidated Independent School District to erect a permanent branch of Wharton County Junior College in Fort Bend County. Since the local election to authorize taxation for that purpose failed in April, the Governor said the bill was unnecessary.

SPONSOR'S
VIEW:

Rep. Uher called the Governor's reasons for the veto "off base" and said the Governor "didn't understand what we were doing." He said that the bill was limited in its effect, so it wouldn't have affected the state's options. It is speculative to base a veto on the future actions of the Select Committee on Higher Education, Uher said, and predicted that the committee would expand, not restrict the role of junior colleges. The bill did not pass until after the authorizing election, Uher said, so it was not possible to explain the bill to the voters. He thought the tax would be approved if there could be another election, with time to explain the need for a permanent campus in Fort Bend County.

NOTES: The House Study Group analysis of HB 784 appeared in the April 2 Daily Floor Report.